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MAR 11 1903
JAMES H. McKENNEY,
Clerk.

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1902.

ISABELLA GONZALES, *Appellant*,
vs.
WILLIAM WILLIAMS, United States Commissioner of Immigration at the Port of New York. } No. 622

MOTION TO ADVANCE.

UNITED STATES OF AMERICA, *ss:*

The appellant respectfully moves the Court to advance the above-entitled cause upon the docket and set it down for hearing during the month of April, 1903, or at such other early date during the present term, or during the October term, 1903, as shall be most convenient to the Court, on the ground, suggested in Rule 26, that said cause involves or affects some matter of general public interest, in that it involves the construction of the Constitution, the immigration laws of the United States, and the act of Congress approved April 12, 1900, known as the Foraker Act (Chap. 191, Rec. 7.)

This cause was brought in the United States Circuit Court for the Southern District of New York on the petition of Domingo Collazo, filed therein on or about the 19th day of August, 1902, on behalf of Isabella Gonzales, the appellant

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Livingston Middleditch Co., 65 Duane St. Telephone, Brick Supreme Court U. S.

FILED
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JAMES H. McKENNEY,
Clerk.

SUPREME COURT OF THE UNITED STATES,

OCTOBER TERM, 1903.

No. 225

ISABELLA GONZALEZ,
Appellant,

AGAINST

WILLIAM WILLIAMS, UNITED STATES COMMISSIONER OF IMMIGRATION AT THE PORT OF NEW YORK.

Motion to re-assign.

Now comes the appellant herein and respectfully moves this Court for a continuance of the argument herein and a re-assignment of said cause for hearing upon such day subsequent to November 1st, 1903, as may be convenient to the Court.

On or about the 18th day of August, 1902, a petition for writ of habeas corpus and certiorari on behalf of the appellant was filed in the office of the Clerk of the United States Circuit Court for the Southern District of New York, wherein it was alleged that the appellant was illegally imprisoned or restrained of her liberty at Ellis Island, New York; that she had not been committed and was not detained by virtue of any judgment, decree, final order or process, and that the cause of the imprisonment or restraint to the best of her knowledge was that she was considered an alien immigrant and likely to become a public charge; and praying that a writ of habeas corpus and certiorari issue to the Super-

intendent and Commissioner of Immigration directing him to produce the body of the appellant and certify the cause of her detention. Such writs of habeas corpus and certiorari were duly allowed by U. S. Judge Adams on the 19th day of August, 1902. The United States Commissioner of Immigration made return thereto on the 16th day of September, 1902, and alleged that appellant was an alien immigrant, a native born inhabitant of the Island of Porto Rico who had not been naturalized and was not a citizen of the United States nor of any State thereof; that she arrived in the Port of New York from Porto Rico on August 24th, 1902, and was duly examined by a Board of Special Inquiry in accordance with §5 of the United States Statute of March 3rd, 1893, and after due consideration the said Board, by a unanimous decision, rendered as provided by said statute, excluded her from admission to the United States upon the ground that she was likely to become a public charge. Such writs coming on to be heard before U. S. Circuit Judge Lacombe, of the Southern District of New York, he decided that appellant being foreign born and not naturalized, remained an alien and subject to the provisions of law regulating the admission of aliens who come to the United States, and that therefore the writ should be dismissed. An order was entered in the office of the Clerk of the U. S. Circuit Court for the Southern District of New York on or about the 18th day of October, 1902, dismissing said writ of habeas corpus and remanding the appellant to the custody of the said United States Commission of Immigration. She was subsequently paroled in the custody of her counsel pending the disposition of the appeal from said order. From such order dismissing said writ of habeas corpus, the appellant has appealed to this Court, such appeal being allowed by U. S. Circuit Judge Lacombe on February 16th, 1903.

Upon motion of the Attorney-General, this cause was advanced and assigned to be heard in October, 1903. Upon inquiry at the office of the Clerk of this Court it has been ascertained that such cause will probably come on for hearing about the middle of October. Frederic

R. Coudert, Jr., is in personal charge of the preparation of the argument in this cause and will present the questions herein involved to this Court. That owing to poor health he was obliged to go abroad, where he is at the present time, and is not expected to return until the latter part of October, 1903.

For the reasons above stated, the appellant respectfully moves this Court that the hearing in this cause be continued and assigned to some day subsequent to November 1st, 1903.

We understand that the Honorable Attorney-General concurs in this motion.

Respectfully submitted,

CHARLES E. LEBARBIER,
Attorney for Appellant.

FREDERIC R. COUDERT, JR.,
of Counsel.